

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

James A. Webber,

Civil No. 15-3084 (DWF/HB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Mary Beth Dorn and Robert Lawton,

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Hildy Bowbeer dated August 20, 2015. (Doc. No. 4.) No objections have been filed to that Report and Recommendation in the time period permitted. However, Plaintiff James A. Webber (“Plaintiff”) filed a letter with the Court on September 14, 2015. (Doc. No. 5.) Because Plaintiff is *pro se* the Court addresses Plaintiff’s letter in its decision.

The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. Plaintiff’s Complaint appears to allege that Defendants discriminated against him on the basis of his disability, and possibly his race. (*See generally* Doc. No. 4; *see also* Doc. No. 1.) In her Report and Recommendation, Magistrate Judge Bowbeer concluded that all claims against Mary Beth Dorn (a Minnesota state judge) should be dismissed with prejudice on the grounds of judicial immunity. (Doc. No. 4 at 2-4.) The Magistrate Judge further concluded that the allegations are too vague to establish a viable claim. (*Id.* at 4.)

Similarly, the Magistrate Judge concluded that the allegations against Robert Lawton fail to state a claim, because there are no allegations against Lawton in the Complaint. (*Id.*) Finally, the Magistrate Judge noted that information relating to Plaintiff's child support obligations and social security benefits, as included in his affidavit, does not state a claim because it was "insufficiently pleaded, brought against the incorrect parties, and foreclosed by judicial immunity." (*Id.* at 5.)

The Court concludes, as did Magistrate Judge Bowbeer, that Plaintiff fails to state any claims for relief. Plaintiff's letter relates only to the issue of his child support obligations and social security income, which not only does not state a claim for relief, but as stated by the Magistrate Judge, this issue is "insufficiently pleaded, brought against the incorrect parties, and foreclosed by judicial immunity." (Doc. No. 4 at 5.)

Accordingly, based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

ORDER

1. Magistrate Judge Hildy Bowbeer's August 20, 2015 Report and Recommendation (Doc. No. [4]) is **ADOPTED**.

2. This action is **SUMMARILY DISMISSED** under 28 U.S.C. § 1915(e)(2)(B), as follows:

a. Claims against Defendant Mary Beth Dorn are **DISMISSED WITH PREJUDICE** under 28 U.S.C. § 1915(e)(2)(B)(iii); and

b. Claims against Defendant Robert Lawton and any possible claim regarding incorrect deductions from Webber's social security benefits are

DISMISSED WITHOUT PREJUDICE under 28 U.S.C. § 1915(e)(2)(B)(ii).

3. Plaintiff James A. Webber's application to proceed *in forma pauperis* (Doc. No. [2]) is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 30, 2015

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge